

Appl. No. : **10/828,793**
Filed : **April 20, 2004**

SUMMARY OF INTERVIEW

Exhibits and/or Demonstrations

None

Identification of Claims Discussed

Claim 9

Identification of Prior Art Discussed

None

Proposed Amendments

None

Principal Arguments and Other Matters

The Office Action mailed July 20, 2006 has an apparent error regarding the third group. The phrase "II. Claims 17-23, drawn to a method for predicting whether a subject will respond to treatment with a dual tyrosine kinase inhibitor" is related to a different patent application than Applicant's application.

Results of Interview

Mr. Zhou indicated that the text for the third group should be "III. Claim 9, drawn to an automated diagnosis system, classified in Class 600, subclass 300."

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REMARKS

Claims 1-5 are canceled, Claims 6 and 9 are amended, and Claims 10-34 are added by this paper. Claims 7-8 are unchanged. Claims 6-34 are pending in the application. Reconsideration and allowance of the claims in light of the present remarks is respectfully requested.

Examiner Interview

Applicant's representative wishes to express his appreciation for the Examiner's availability to conduct a telephonic interview on July 27, 2006, to discuss the error in the Office Action.

Discussion of the Restriction Requirement

The Office Action (as corrected pursuant to the telephonic interview) states that restriction to one of the following inventions is required under 35 U.S.C. 121:

- Group I, Claims 1-5, drawn to a method for automated diagnosis or management of a medical condition, classified in Class 600, subclass 300.
- Group II, Claims 6-8, drawn to an automated diagnosis system, which is classified in Class 600, subclass 300.
- Group III, Claim 9, drawn to an automated diagnosis system, which is classified in Class 600, subclass 300.

Applicant elects Group II; Claims 6-8, and cancels Claims 1-5 (of Group I) without prejudice. Applicant reserves the right to refile the cancelled claims in a divisional application.

Applicant respectfully traverses the restriction of Group III as being separate from Group II. Claim 6 and Claim 9 (as amended) are both directed to an automated diagnostic system comprising a plurality of objects which interact to determine a diagnosis of a patient, wherein the objects include at least a disease object and a symptom object. Contrary to the statement on page 3 of the Office Action, both Groups II and III are classified in Class 600, subclass 300. The Examiner stated that they have acquired a separate status in the art, but has not shown or provided any evidence of this as required in the Manual of Patent Examining Procedure § 808.02. Furthermore,

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the field of search for Group II should cover the field of search for Group III, since Group II has several further objects than Group III. Therefore, Applicant respectfully submits that there is no serious search burden on the Examiner if Groups II and III were examined together. Moreover, the Manual of Patent Examining Procedure § 803 states that: "If the search and examination of all the claims in an application can be made without serious burden, the examiner must examine them on the merits, even though they include claims to independent or distinct inventions."

New Claims

Applicant has added new dependent Claims 10-34. The new dependent Claims 10-32 and 34 are supported at least by pages 11-15, 19, and 77-82 of the specification and Figures 29a and 29b. New dependent Claim 33 is similar to Claim 8.

CONCLUSION

Applicant respectfully submits that the claims of the above-identified application are in condition for allowance. However, if the Examiner finds any impediment to allowing all claims that can be resolved by telephone, the Examiner is respectfully requested to call the undersigned.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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